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8

9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 CASE NO. 1:23-cr-00221-JAM-BAM

14 v.
15 JOSHUA KIMBALL,
16 Defendant.

**STIPULATION TO SET TRIAL AND BRIEFING
SCHEDULE; ORDER**

17

STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was scheduled for trial on December 2, 2024, and trial
21 confirmation on November 5, 2024. Time has been previously excluded until November 5, 2024.

22 2. By this stipulation, the parties move to set:

23 a) Status conference on January 22, 2025 at 1 PM in front of US Magistrate Judge
24 Barbara A. McAuliffe.

25 b) Trial on March 24, 2025 at 9 AM in front of US District Judge John A. Mendez.

26 3. The parties will meet and confer about a motions schedule and trial confirmation date in
27 advance of the status conference.

28 4. The parties estimate trial to take approximately one week, including jury selection.

1 5. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case
3 includes investigative reports, and related documents, photographs, etc., in electronic form. All
4 of this discovery has been either produced directly to prior counsel and/or made available for
5 inspection and copying. The government is working with prior and new counsel to make sure
6 that new counsel is in receipt of all discovery.

7 b) Defense counsel requires additional time to review discovery and prepare for trial.

8 c) The government does not object to the continuance.

9 d) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of November 5, 2024 to March 24,
14 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C.
15 § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's
16 request on the basis of the Court's finding that the ends of justice served by taking such action
17 outweigh the best interest of the public and the defendant in a speedy trial.

18 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22
23 Dated: October 3, 2024

PHILLIP A. TALBERT
United States Attorney

24
25 /s/ ROBERT L. VENEMAN-HUGHES
26 ROBERT L. VENEMAN-HUGHES
27 Assistant United States Attorney

1 Dated: October 3, 2024

/s/ MURDOCH WALKER

2 MURDOCH WALKER

3 Counsel for Defendant

4 JOSHUA KIMBALL

5 **ORDER**

6 Based on the stipulation of the parties, the 12/03/2024 trial is **VACATED** and **RESET** for
7 **Monday, March 24, 2025, at 09:00 a.m.**, in Courtroom 6, on the 14th floor of the Robert T. Matsui
8 U.S. Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez. On the
9 Court's own motion, the 11/05/2024 trial confirmation hearing is **RESET** for **Tuesday, February 11,**
10 **2025, at 09:00 a.m., in person**, in Courtroom 6, on the 14th floor of the Robert T. Matsui U.S.
11 Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez.

12 A status conference is **SET** for **Wednesday, January 22, 2025, at 01:00 p.m.**, in Courtroom 8,
13 on the 6th floor of the Robert E. Coyle Federal Courthouse, in Fresno, California, before Magistrate
14 Judge Barbara A. McAuliffe. The parties will meet and confer about a motions schedule in advance of
15 the status conference.

16 Time is **EXCLUDED** through and including March 24, 2025, as described in the parties'
17 Stipulation.

18
19 Dated: October 03, 2024

/s/ John A. Mendez

20 THE HONORABLE JOHN A. MENDEZ

21 SENIOR UNITED STATES DISTRICT JUDGE